

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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C. BASIL FORD, INC.,

Plaintiff,

v.

ORDER  
06-CV-766

FORD MOTOR COMPANY,

Defendant.

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This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1), on December 7, 2006. On December 1, 2006, defendant filed a motion for to dismiss the complaint. On February 27, 2009, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion to dismiss be granted in part and denied in part.

Plaintiff filed objections to the Report and Recommendation on March 9, 2009 and plaintiff filed a response thereto. Oral argument was deemed unnecessary.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and

Recommendation, and after reviewing the submissions from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to dismiss is granted in part and denied in part.

The case is referred back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

*s/ Richard J. Arcara*

HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: March 31 , 2009